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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,398	11/14/2000	Scott C. Harris	BIODONGLE/SCH	8991

23844 7590 01/25/2005

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EXAMINER
MAHMOUDI, HASSAN

ART UNIT	PAPER NUMBER
2165	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/712,398	HARRIS, SCOTT C.	
	Examiner	Art Unit	
	Tony Mahmoudi	2165	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☒ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *3-14 and 21*.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

SAM RIMELL
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because:

The applicant's arguments presented in the After Final response, filed on 15-November-2004, have been fully considered but are not deemed persuasive, and the claim limitations of the "finally rejected" claims are still met by the Applebaum (U.S. Publication No. 2002/0044655) and Brody (U.S. Publication No. 2001/0051928) references.

In response to the applicant's arguments regarding claim 7, that "nowhere does anything in Applebaum teach that the software can operate in any mode, much less a limited exception mode as claimed without establishing that the personal information agrees", the arguments have been fully considered but are not deemed persuasive, because the examiner is still maintaining that claim 7 does not indicate the operation of the "limited exception mode" (what exactly the software can do in the "limited exception mode"). Further, Applebaum teaches "operation" of the "software" in claim 36 of his invention, in "allowing access to said distributed productivity environment if said personal information matches said identification information; and, restricting access to said distributed productivity environment if said personal information does not match said identification information."

In response to the applicant's arguments regarding claim 8, that "while claim 8 does not define installing the software, it certainly defines that the reference biometric is obtained at the time of installing the software", the arguments have been fully considered but are not deemed persuasive, because as stated in the previous Office Action, claim 8 does not specifically require that the "obtaining of information" is a "part of the installation routine", as argued previously. Further, Brody teaches "obtaining information at the time of installing the software (see paragraph 92, reference to obtaining a license from the publisher).